

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, January 12, 2016
TIME OF MEETING: 4:00 p.m.
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of Minutes from the regular meeting of December 15, 2016.
- III. Public Hearings
- IV. New Business
 - A. **Case 2017-01:** Request for a Site Plan Review for a new building and practice field at 221 S Quarterline Rd.
- V. Old Business
- VI. Other
- VII. Adjourn

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933 Terrace Street
Muskegon, MI 49440
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CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

December 15, 2016

Chairman T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, B. Mazade, J. Montgomery-Keast, F. Peterson, S. Gawron, B. Larson, E. Hood

MEMBERS ABSENT: J. Doyle, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: T. Painter, ; K. Evans & G. Mund, West MI Shoreline Regional Development Commission (WMSRDC)

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of November 10, 2016 be approved was made by B. Larson, supported by F. Peterson and unanimously approved.

NEW BUSINESS

Hearing, Case 2016-18: Request for a Special Use Permit to operate a restaurant at 1635 Beidler Street in an R-1, Single Family Residential District, by Tim Painter. M. Franzak presented the staff report. The property is zoned R-1, Single Family Residential. However, Section 401 of the zoning ordinance allows previously existing or established commercial uses not already converted to a residential use to be authorized for certain businesses, including a restaurant, under a Special Use Permit. The property is located at the corner of Beidler St and Forest Ave and the lot measures 110' x 104.' The building was formerly used as the Westside Inn bar. It has been vacant over five years. The new owner would like to open a restaurant in the building. They do not intend to serve alcohol at this time. Staff recommends approving the restaurant with the condition that no alcohol be allowed. If they choose to expand service to offer alcohol at a later date, they could request to amend the Special Use Permit at that time. There is adequate parking on site to accommodate a restaurant. The parking lot may not meet today's maneuvering standards, but they are grandfathered in for smaller parking spaces on this site. Notice letters were sent to properties within 300 feet of this property. At the time of this writing, staff had not received any calls on this matter.

T. Painter stated that he purchased the property two months ago. He explained the type of restaurant he had planned and felt that it would be a good fit for the neighborhood. He had an architect working with him on renovations. T. Michalski asked what the planned business hours would be. T. Painter stated that it would be a lunch and dinner restaurant and the tentative hours were 11:00 a.m. until 8:00 or 9:00 p.m. J. Montgomery-Keast asked what the seating capacity was. T. Painter stated that the building capacity was 88, but he was going to use a portion of the building as an office, which would lower the capacity in the dining area. F. Peterson asked what his plan for the façade was. T. Painter stated that curb appeal would be important to draw people in. He wanted to modernize the facade, and was working with his architect on a

couple of ideas.

A motion to close the public hearing was made by B. Larson, supported by F. Peterson and unanimously approved.

A motion that the request for a Special Land Use Permit to operate a restaurant at 1635 Beidler Street in an R-1, Single Family Residential District be approved as proposed with the condition that no alcohol may be served on site, was made by B. Larson, supported by E. Hood and unanimously approved, with T. Michalski, B. Mazade, J. Montgomery-Keast, F. Peterson, S. Gawron, B. Larson, and E. Hood voting aye.

Hearing, Case 2016-19: Staff-initiated request to amend the Waterfront Industrial Planned Unit Development (WI-PUD) District to modify the Preamble, Uses Permitted (Section 1504), Prohibited Uses (Section 1505), and Review Standards (Section 1506). M. Franzak presented the staff report and a copy of the WI-PUD zoning ordinance excerpt. In this district, all new projects are required to go through the Planned Unit Development process. Staff is recommending modifications to the district in order to best utilize some properties on the east end of Muskegon Lake. The following modifications are proposed: 1) In the Preamble, add a statement to reiterate that every project in these districts should have a key principal use defined to ensure that the property is utilized to its fullest potential; 2) Under Section 1504 – Principal Uses, staff recommends moving numbers 1, 3 and 6 to Accessory Uses. This will emphasize that these properties must have a major commercial operation as a principal use and are not solely utilized for minimally staffed operations; 3) Also under Section 1504- Principal Uses, staff recommends removing number 5. The elimination of aggregate storage would eliminate blight on the waterfront. Also, aggregate storage does not produce many jobs and contributes to blight and water pollution. This use would be moved to prohibited uses; 4) Also under Section 1504- Principal Uses, staff recommends adding “with proper screening” to number 11. The new language would read “Commercial engine and hull repair with property screening.” This will help emphasize that anything that could contribute to blight should be screened whenever practical; and 5) Under Section 1506: Review Standards, staff recommends eliminating numbers 10 and 11. These relate to aggregate storage, which would no longer be allowed.

M. Franzak stated that the proposed changes represent the City’s desire to attract larger-scale businesses rather than empty space for storage. Aggregate storage was removed, as it causes blight and generally provides few jobs. There were currently two WI-PUD districts in the City. B. Larson asked if the changes were being made for a particular business that had expressed interest in the site, or by staff. M. Franzak stated that the changes were initiated by staff. B. Mazade asked if there were any Special Use provisions. M. Franzak stated that, since it was a PUD district, all requests required Planning Commission approval. M. Franzak also pointed out that the phrase “with proper screening” should be added to item #11.

A motion to close the public hearing was made by S. Gawron, supported by F. Peterson and unanimously approved.

A motion that the proposed amendments to the Waterfront Industrial Planned Unit Development (WI-PUD) District *Preamble, Uses Permitted* (Section 1504), *Prohibited Uses* (Section 1505), and *Review Standards* (Section 1506) of the City of Muskegon Zoning Ordinance be recommended to the City Commission for approval, with the addition of the phrase “with property screening” to #11, was made by J. Montgomery-Keast, supported by B. Larson and unanimously approved, with T. Michalski, B. Mazade, J. Montgomery-Keast, F. Peterson, S. Gawron, B. Larson, and E. Hood voting aye.

OLD BUSINESS

M. Franzak requested that the board consider the tabled case from last month.

Case 2016-17: Staff-initiated request to revoke the Special Use Permit (SUP)for an auto dealership at 1272/1308 S. Getty Street. This case had been tabled from the November meeting, with the board giving the property owner/lessee until this meeting to get the property cleaned up. If that wasn't done, the board had made it clear that they would vote to revoke the SUP. M. Franzak stated that he had been by the property and it had not been cleaned up, and in fact, looked worse. M. Franzak had spoken to Mr. Corona and advised him that he would be asking for revocation of the SUP.

A motion that the Special Land Use Permit for auto sales at 1272/1308 S. Getty Street be revoked, was made by B. Mazade, supported by S. Gawron and unanimously approved, with T. Michalski, B. Mazade, J. Montgomery-Keast, F. Peterson, S. Gawron, B. Larson, and E. Hood voting aye.

OTHER

Presentation by the WMSRDC re: green infrastructure grant. K. Evans was the program manager for WMSRDC. She stated that they were partnering with the City of Muskegon on a green infrastructure grant, which would assist with stormwater management on several sites. G. Mund presented conceptual drawings, and K. Evans described the projects that would benefit from the grant funds, including Seyferth Park, Hartshorn Marina, the dog park, Nelson School, and the Carpenter Brothers lot. She stated that they would be continuing to seek additional grants.

There being no further business, the meeting was adjourned at 4:38 p.m.

STAFF REPORT
January 12, 2016

Case 2017-01: Request for a Site Plan Review for a new building and practice field at 221 S Quarterline Rd.

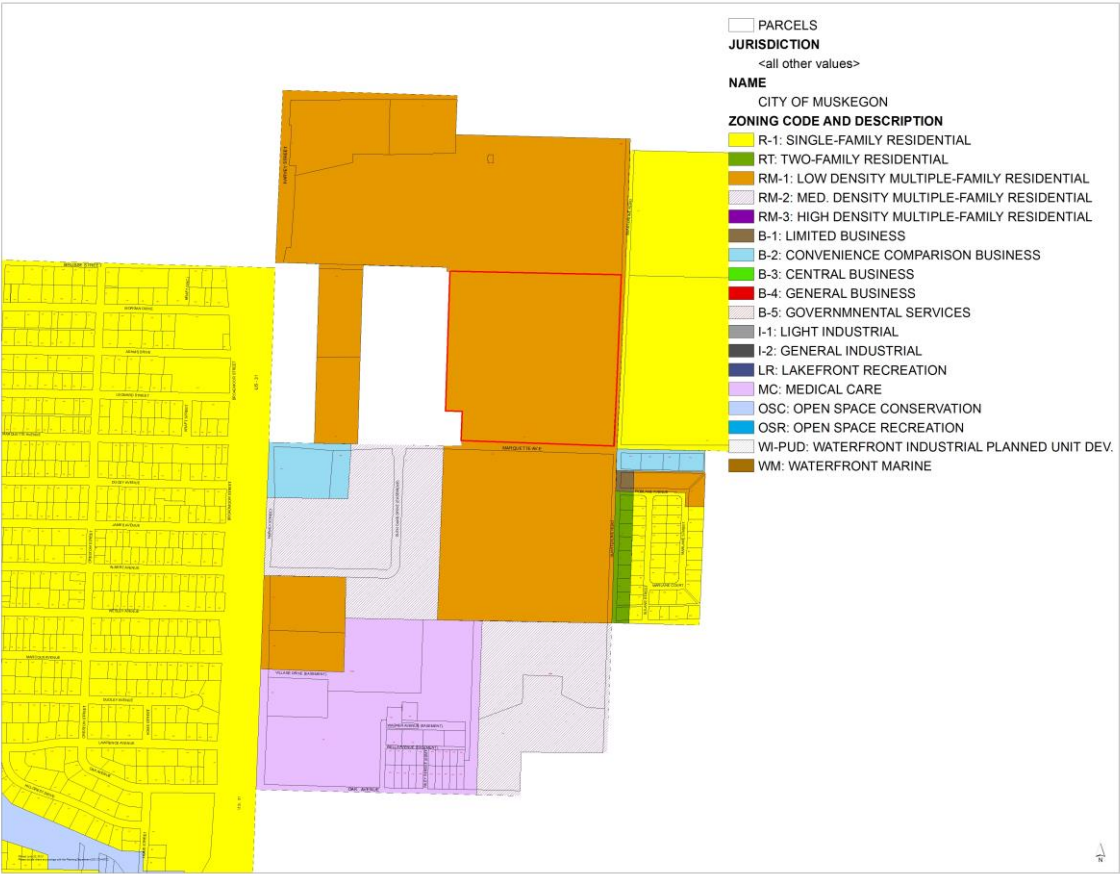
BACKGROUND

1. This project was initially approved by the Planning Commission in April of 2016. However, Muskegon Community College has changed their plans and would now prefer the building to be separate from the existing gymnasium, rather than an addition to it.
2. The property is zoned RM-1, Medium Density Multiple Family Residential, as is the rest of the Muskegon Community College campus.
3. The new Health and Wellness Center will be 52,347 sf. and located just to the east of the current gymnasium.
4. The new practice field will be located just south of the new building.
5. The parking lot to the north will be realigned slightly to create a one-way access drive with a landscaping island. A few parking spots will be lost, but there is adequate parking in the area.
6. Two retention basins will be located to the south of the new building to handle the stormwater runoff.
7. Some trees will be removed where the new building will be placed, however, more trees (equaling a net gain) will be added to the site.
8. Other departments are still reviewing the plan and their comments will be made available at the meeting.

Existing gymnasium. New building to be constructed to the left (east).



Zoning Map



Aerial Map



Standards for Site Plan approval:

Prior to approving a site plan, the City shall require that the following standards be satisfied:

- a. Schedule of Regulations: The site plan shall comply with the requirements for height, lot size, yard space, density and all other requirements as set forth in the district regulations.
- b. Other codes and standards: To the extent necessarily shown in the site plan, it shall comply with other applicable City codes and standards.
- c. Compatibility with surrounding land use and development: All elements shall be located, designed and organized in relation to topography, the size and configuration of the parcel, the character of adjoining property and the type and size of the buildings. The site shall be developed so as not to impede the normal and orderly development or improvements of surrounding property for uses permitted in this Zoning Ordinance.
- d. Preservation of natural features: The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site.
- e. Landscaping: Landscape buffers and greenbelts shall be provided and designed in accordance with the provisions of this Ordinance. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of the property and for the privacy of occupants and neighbors.
- f. Stormwater management: Drainage design shall recognize existing natural drainage patterns. Stormwater removal shall not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater on-site, using sound engineering practices.
- g. Soil erosion control: Appropriate measures shall be taken to ensure compliance with state and local soil and sedimentation control regulations.
- h. Wetlands Protection: The natural retention or storage capacity of any wetland, water body, or water course will not be substantially reduced or altered in a way which could increase flooding or water pollution at the site or other locations.
- i. Emergency Access: All site improvements and structures shall be arranged so as to permit necessary emergency vehicle access and to comply with the locally adopted fire code.
- j. Public streets and private roads: All uses must have access to a public street or a private road. All streets and curb cuts shall be developed in accordance with City specifications, the Michigan Department of Transportation, and/or private road regulations of the City, whichever applies.
- k. Access Management: Streets and drives on a site shall be of a width appropriate to the traffic volume they will carry and shall have adequate paved areas for vehicles. Traffic mitigation techniques such as on-site parallel access lanes, rear access lanes, deceleration lanes and traffic calming measures may be required. Shared curb cuts and access ways may also be required.

- l. Site Circulation and Parking: Parking areas shall meet the requirements of this ordinance. All parking spaces and circulation patterns shall be marked. Curb stops or curbing may be required to prevent encroachment on required setbacks and screening. Provisions for on-site maneuvering of vehicles shall be made so as to discourage backing and movements of trucks on abutting public streets. On site traffic control signs shall be visible and understandable.
- m. Pedestrian safety: The on-site pedestrian circulation system shall be separated as completely and reasonably as possible from the vehicular circulation system. In order to ensure public safety, special pedestrian measures such as sidewalks, crosswalks, and other such facilities may be required for the development. The site circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area as appropriate.
- n. Site amenities: The site plan shall provide outdoor common areas and associated amenities for employees, customers and/or residents which may include public trash receptacles, bike racks, seating areas, recreation areas, shade trees, bus stop turn-outs, and similar facilities where appropriate.
- o. Utility Service: The development must be adequately served by necessary public services and shall not impose an undue burden on public services and infrastructure. All utilities for new construction shall be placed underground. Any installations which must remain above ground shall be compatible with those on adjacent properties.
- p. Lighting: Exterior lighting shall be arranged so it is deflected away from adjacent properties and so it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted. Design of lighting fixtures shall be compatible with those on adjacent properties. Light poles and fixtures shall be no higher than twenty-five (25) feet.
- q. Signs: The size, location, and lighting of all permanent signs shall be consistent with the requirements of this Ordinance.
- r. Accessibility: All sites shall be designed to comply with barrier-free requirements.
- s. State and Federal Mandates: The site plan shall demonstrate compliance with any state or federal statute, regulation or ruling, whether general or site specific, which is applicable to the property. This shall include without limitation any legally enforceable restrictions on development or improvements which have been communicated or required by a state or federal agency. It shall include, without limitation, requirements of laws, regulations, rulings or agency requirements concerning environmental protection, waste management, floodplains, soil and sedimentation, protection of ground or surface water resources, soil conditions, and the presence of hazardous materials in or contamination of soils, air and water pollution matters and provisions which are designed for or reasonably related to the protection of the public health, safety or welfare. The applicant shall demonstrate that all said statutes, regulations, rulings, or requirements have been satisfied by its site plan and that there are no State or Federal agencies which have required, or are in the process of requiring, any additional action, restriction or compliance. In the event a property is the subject of any governmental regulatory action or requirement, or without limitation, the property is located in the "facility" as defined by state or federal law, the state or federal agency responsible for the applicable regulation shall be notified in writing of the filing of the site plan and any hearing regarding the application for approval.

DETERMINATION

The following motion is offered for consideration:

I move that the site plan for the new building and practice field at 221 S Quarterline Rd, be (approved/denied/tabled), with the following conditions (if any):